

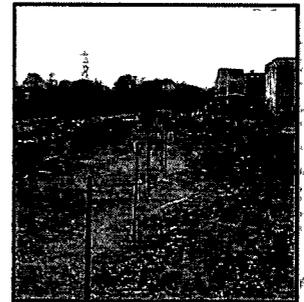
**2014 WETLAND MITIGATION  
MONITORING REPORT FOR THE  
SCCC & DIAMOND SITES**

**Town of Kearny  
Hudson County, New Jersey**

- **SCCC Site - Block 287, Lots 48, 49, 50, 51, 52, 52R and portion of Lot 32.01**
- **Diamond Site - Block 287, Lots 32.02, 46, 47, and 47R**

**Prepared for:**

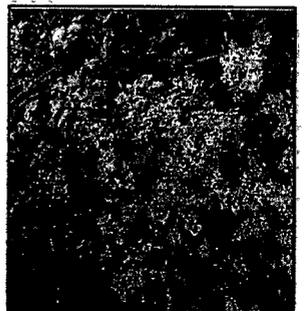
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Project Number: 502.016

December 2014

333011



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**TABLE OF CONTENTS**

<b><u>Section</u></b>	<b><u>Page #</u></b>
1.0 INTRODUCTION.....	1
2.0 PRE-CONSTRUCTION SITE ENVIRONMENT.....	4
3.0 WETLAND MITIGATION IMPLEMENTATION.....	5
4.0 WETLAND PLANTING.....	5
5.0 MONITORING METHODOLOGY.....	6
7.0 MONITORING INSPECTION.....	8
7.1 Management of Undesirable Plant Species.....	10
7.2 Hydrology.....	10
8.0 DISCUSSION AND CORRECTIVE MEASURE RECOMMENDATIONS	11
9.0 REFERENCES.....	13

**FIGURES**

Site location.....	2
--------------------	---

**APPENDICES**

- Appendix A – Copies of Permits and Approvals
- Appendix B – As Built Survey
- Appendix C - Vegetation Cover Data
- Appendix D – Plant List
- Appendix E – Photographs

## 1.0 INTRODUCTION

This Monitoring Report, the third of five, describes and documents the status of the compensatory wetland mitigation at the Standard Chlorine Chemical Co., Inc. (SCCC) & Diamond Sites located at 1015, 1025-1035 Belleville Turnpike, Kearny, Hudson County, New Jersey (hereinafter termed the Site) (Figure 1). The property commonly known as the "Diamond Site" is 27 acres while the SCCC site totals 25 acres. The Diamond Site is being remediated pursuant to a New Jersey Department of Environmental Protection (NJDEP) Administrative Consent Order. The SCCC Site was previously subject to a NJDEP Administrative Consent Order and is currently listed on the U.S. Environmental Protection Agency's (USEPA) National Priorities List for CERCLA Sites. An Interim Response Action that included remediation of both of these properties was completed by the Peninsula Restoration Group (PRG), a group comprised of SCCC, Tierra Solutions, Inc. (Tierra) and Beazer East, Inc. The ongoing operations, maintenance and monitoring activities, including monitoring of the wetlands mitigation, are being performed by the Cooperating Parties Group (Group) which is comprised of Beazer, Tierra and Cooper Industries, LLC. Implementation of the approved IRAW<sup>1</sup> necessitated the disturbance of on-site wetlands. The SCCC site is being remediated under a Remediation Investigation/Feasibility Study Administrative Order on Consent between the USEPA and the Group.

The United States Army Corps of Engineers (USACE) and the USEPA have determined that the USEPA will have jurisdiction for impacts to regulated tidal and isolated and freshwater emergent wetlands. The NJDEP authorized tidal wetland impacts associated with the implementation of the remediation activities through a Waterfront Development Permit (WDP)/Flood Hazard Permit (FHP) and Water Quality Certificate (Appendix A). These approvals were obtained on March 26, 2010 (permit Nos. 0907-09-0007FHA 09001, 0907-09-0007.1 WFD090001 and 0907-09-0007.1 CDT0800001). The USEPA approved<sup>2</sup> of the wetland disturbance on June 11, 2010. Copies of all relevant permits and approvals related to this project are provided in Appendix A. As a condition of these approvals a compensatory mitigation plan for impacts to the intertidal/subtidal shallows and tidal wetlands was required. Accordingly, a Wetland Mitigation Plan<sup>3</sup> (WMP) prepared by Key Environmental Inc.) was designed to mitigate the loss of the existing wetland plant communities at the ratio (1:1) as set forth in the NJDEP Waterfront Development Permit/Flood Hazard Permit and Water Quality Certificate and as approved by USEPA.

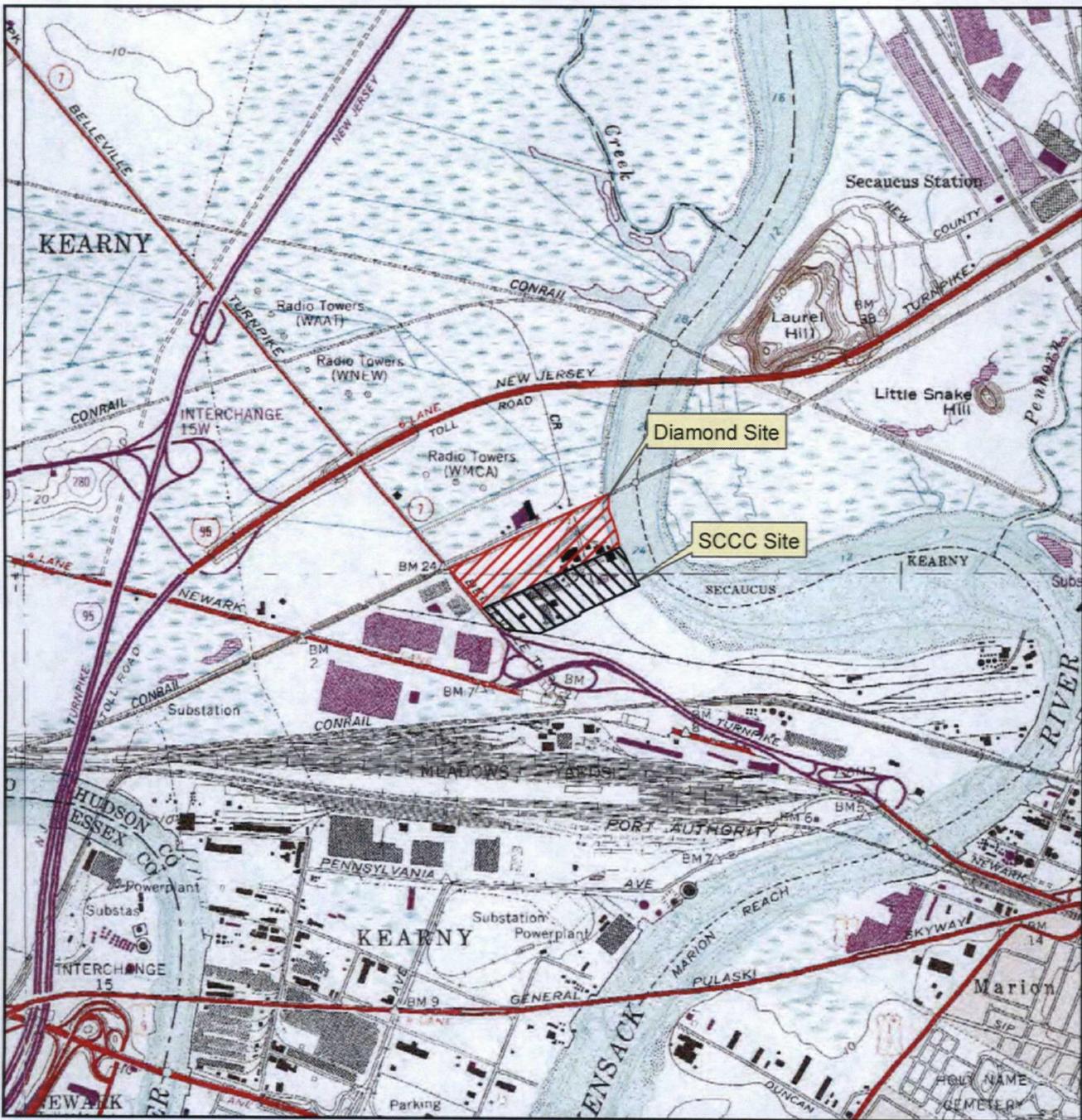
In order to implement the approved Interim Response Action Workplan (IRAW) activities a total of 1.65 acres of on-site wetlands were to be unavoidably disturbed. The 1.65 acres

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<sup>1</sup> NJDEP, March 27, 2008 Interim Response Action Work Plan Approval, Standard Chlorine Chemical Company, Inc (SCC/116) and Tierra Solutions (Diamond Shamrock/113) 1015 to 1035 Belleville Turnpike, Kearny Town NJ

<sup>2</sup> USEPA, Approval of Applicable Relevant and Appropriate Requirements (ARARs).

<sup>3</sup> Key Environmental Inc, April 2010, Shoreline Restoration and Tidal Emergent Wetland Mitigation Plan, Standard Chlorine Chemical Co Inc and Tierra Solutions Inc., Interim Response Action, Submitted to the NJDEP and USEPA.



File: P:\0502\projects\0502014\GIS\SMX\DU\USGS.mxd, March 7, 2013, Copyright Princeton Hydro, LLC



**FIGURE 1: USGS LOCATION MAP**

KEY ENVIRONMENTAL  
STANDARD CHLORINE CHEMICAL COMPANY &  
DIAMOND SITE  
BLOCK 287  
LOTS 46, 47, 48, 49, 50, 51, 52 & 52R  
TOWN OF KEARNY  
HUDSON COUNTY, NEW JERSEY

**LEGEND**

**Site Boundaries**

Diamond Site

SCCC Site

1 inch = 2,000 feet

0 1,000 2,000 Feet

PRINCETON HYDRO, LLC.  
1108 OLD YORK ROAD  
P.O. BOX 720  
RINGOES, NJ 08551

**SOURCES:**

1. Site boundaries are not an official PLS survey; inaccuracies may exist.
2. USGS Topographic Digital Raster Graphic obtained from USDA Geospatial Data Gateway, Hudson County, New Jersey; Weehawken and Jersey City, NJ Quadrangles.



of on-site wetlands consisted of 0.06 acres of estuarine tidal wetlands, 0.47 acres of isolated wetlands and 1.12 acres of freshwater wetlands. In addition, approximately 1.3 acres of intertidal subtidal shallows (mudflats) were also to be disturbed as part of the approved remediation activities. Accordingly, the WMP compensated for disturbance by providing mitigation consisting of 0.45 acres of tidal emergent wetland restoration along the Hackensack River shoreline, 1.20 acres of freshwater emergent wetlands in upland areas and the restoration of approximately 0.95 acres of intertidal sub-tidal shallows. Of the 0.45 acres of tidal wetland mitigation proposed, 0.39 acres was to compensate for an equivalent amount of impacts to freshwater wetlands.

The NJDEP approved the mitigation plan on June 30, 2010 (NJDEP, June 30 2010). The NJDEP approval stated the following "Specifically, the Division is approving the mitigation project shown on the plan entitled Shoreline Restoration and Tidal Emergent Wetland Mitigation Plan SCC and Diamond Sites, Kearny, Hudson County, New Jersey, Block 287-Lots, 47, 47R, 49, 52 and 52R sheets MTGTE-00-04, dated April 23, 2010, prepared by Key Environmental Incorporated".

Once the remediation was underway it became apparent for several reasons that the proposed 0.45 acres of tidal wetland restoration along the shoreline of the Hackensack River would be difficult to successfully establish. One of the foremost reasons behind this determination had to do with the results of an updated topographic survey of the intertidal area that was completed at the beginning of remediation activities. When the updated survey was compared to the 2008 topographic survey it revealed lower elevations along the shoreline in the area proposed for wetland restoration. It was suspected that the elevation differences between the two surveys was a result of erosion and/or shifting of the shoreline due to wave/current action caused by severe storms, ice flows, etc. Whatever the reason for the difference in elevation, the change was of sufficient magnitude to be a concern relative to the successful establishment of a wetland at this location and a modification to the WMP was deemed necessary.

As a modification to the WMP, an April 8, 2011 letter<sup>4</sup> provided justification and a proposed combination of the purchase of off-site credits (0.225 acres) and construction of on-site intertidal sub-tidal restoration to compensate for the vegetation portion of the tidal emergent mitigation. There was no change proposed to the mitigation planned for the upland areas or the intertidal restoration. The NJDEP and USEPA approved<sup>5</sup> the overall approach set forth in the April 8, 2011 letter. Therefore, mitigation at the sites for a combined 1.65 acres of freshwater and tidal emergent wetlands will be accomplished by a combination of the construction of 1.20 acres of freshwater emergent wetlands in upland areas, the restoration of approximately 1.3 acres of intertidal sub-tidal shallows and the purchase of 0.225 acres of wetland mitigation credits.

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<sup>4</sup> Princeton Hydro, April 8, 2011, Request to Modify Wetland Mitigation Approach SCCC and Diamond Sites, Kearny, Hudson County. NJDEP Permit No. 0907-09-00071.

<sup>5</sup> NJDEP and USEPA, e-Mail Communication of July 1, 2011, Standard Chlorine Chemical Company and Diamond Sites – Wetland Mitigation.

The Group entered into an agreement with Evergreen Environmental, LLC to purchase 0.225 acres of off-site wetland credits from the Marsh Resource MRI-3 Wetland Mitigation Bank located within the Hackensack Meadowlands. The purchase of the wetland credits was completed on June 24, 2012.

This monitoring report was developed based on the standard conditions required by the NJDEP for wetland mitigation sites. Data collected during the inspection period and color photographs of the mitigation site, are presented in the appendices.

## 2.0 PRE-CONSTRUCTION SITE ENVIRONMENT

As described in the wetland delineation report prepared by Princeton Hydro (May 2009)<sup>6</sup> the SCCC and Diamond sites were composed of four distinct plant communities: freshwater emergent wetland (including ditches and swales), estuarine intertidal wetland, urban upland meadow and developed land.

Developed land composed a majority of both the SCCC and Diamond Sites and was assigned to those areas in which frequent human activity and maintenance influence the composition and structure of the existing plant community. Most of this land class was associated with interim remediation areas, historic buildings, access roads, and parking lots. The vegetation in these areas was scarce but contained ruderal species and few landscaped areas consisting of ornamental plantings. The ruderal species located in this area were composed of Eastern cottonwood, staghorn sumac, common plantain (*Plantago lanceolata*), English plantain (*Plantago lanceolata*), goldenrod (*Solidago spp.*), and various grasses.

Urban upland meadow was mostly located in the north central portion of the Diamond Site and in the eastern section of the SCCC Site. Most of this community type was dominated by ruderal species typical of disturbed land, which included little blue stem (*Schizachyrium scoparium*), goldenrod (*Solidago spp.*), multiflora rose (*Rosa multiflora*), common reed, and common milkweed (*Asclepias syriaca*). Scattered throughout the urban meadow were patches of dense shrubs, which included Allegheny blackberry (*Rubus allegheniensis*), Northern bayberry (*Myrica pensylvanica*), and Russian olive (*Elaeagnus angustifolia*). A few Eastern cottonwood (*Populus deltoides*) and staghorn sumac (*Rhus typhina*) trees were scattered throughout the urban meadow.

Most of the freshwater emergent wetlands were located in the western portion of the Diamond Site and the western and southeastern portions of the SCCC Site. Some of the SCCC Site wetlands were associated with onsite drainage features such as ditches or swales. Freshwater emergent wetlands were also identified in the south-central portion of the Diamond Site, adjacent to the access road between the SCCC and Diamond Sites. This wetland area was a depressional wetland associated with stormwater runoff from the adjacent upland areas. Most of the freshwater emergent wetlands were dominated by near mono-specific stands of common reed (*Phragmites australis*). Other wetland species observed in the emergent wetlands included sensitive fern (*Onoclea sensibilis*), purple

loosestrife (*Lythrum salicaria*), and jewelweed (*Impatiens capensis*).

Several wetland areas totaling 0.82 acres were determined to be isolated as there was no evidence of hydrologic connections to other "Waters of the United States". Most of the areas that were determined to be isolated were located on the Diamond Site. The SCCC Site possessed freshwater emergent wetlands and several ditches/swales that possessed a hydrologic connection to the Hackensack River.

Estuarine intertidal wetlands and flats were located in the eastern section of both the SCCC and Diamond Sites along the Hackensack River. The approximately 0.06 acres of intertidal wetlands were composed predominantly of low marsh vegetation dominated by smooth cordgrass (*Spartina alterniflora*). The approximately 1.3 acres of intertidal habitat present on both the SCCC and Diamond Sites consisted of barren stretches of sand and fill, specifically rip-rap, within which were scattered patches of vegetation. Both the SCCC and Diamond Site shorelines contained evidence of erosion, specifically related to the presence of clumps of smooth cordgrass that were detached from their respective mats. Areas where smooth cordgrass was present appeared to be correlated to the presence of a stable substrate such as that provided by rip-rap. The rip-rap appears to be serving as an energy dissipating structure facilitating the development and stability of the smooth cordgrass mats.

### **3.0 WETLAND MITIGATION IMPLEMENTATION**

As previously indicated, the compensatory mitigation requirements associated with the remediation of the Site included the following;

- Restoration of 1.20 acres of freshwater wetland;
- Purchasing 0.225 wetland credits; and,
- Restoration of 1.4 acres intertidal flats.

Restoration of the intertidal flats was completed July 2011. The final as-built survey (MTG-01, Appendix B) identified the total mudflat restoration area as being 1.41 acres.

The 1.20 acres of freshwater wetland mitigation was generally located in the same area as the SCCC drainage ditches. Although the mitigation area was generally consistent with the SCCC site drainage ditch system as per the approved design, the mitigation area was extended during the construction of the mitigation area into adjacent drainage ditch areas in order to attain the required wetland acreage. The mitigation activities were completed in November 2011. According to the final as-built survey prepared on behalf of Key Environmental Inc., the total freshwater wetland mitigation area was 1.28 acres, 0.08 acres greater than the 1.20 acres required.

### **4.0 WETLAND PLANTING**

The earthwork required to construct the wetlands was completed in the fall of 2011. The planting component of the mitigation project was completed immediately after completion of the earth work and was planted in November of 2011. The type and quantity of the

plant material installed at the site was dependent on the habitat type and location within the mitigation site which is summarized in the following tables. Tree and shrub species were proposed for the transition area and tree, shrub and herbaceous plant species were proposed for the wetland area. The specific species and quantity planted are presented in Table 1.

**Table 1:** Plant material proposed and installed in the restored wetland and restored transition area sites.

<b>Freshwater Wetlands Mitigation Area</b>		
<b>Scientific name</b>	<b>Common name</b>	<b>Quantity</b>
<i>Spartina patens</i>	Salt meadow cordgrass	700
<i>Distichlis spicata</i>	Spike grass	2100
<i>Spartina pectinata</i>	Prairie cordgrass	750
<i>Juncus gerardii</i>	Black grass	300
<i>Hibiscus Moschuetes</i>	Swamp mallow	300
<i>Spartina cynosuroides</i>	Big cordgrass	300
<i>Solidago sempirvirens</i>	Seaside goldenrod	300
<i>Scirpus robustus</i>	Salt marsh bulrush	300
<i>Panicum virgatum</i>	Switch grass	750
<i>Baccharis halimifolia</i>	Groundsel bush	240*

\* 80 clusters of 3 plants

**Table 2:** Seed used to attain rapid first year coverage in the mitigation areas.

<b>Common name</b>	<b>Grass species</b>	<b>(lbs pure live seed/acre)</b>
Annual rye	<i>Lolium multiflorum</i>	5
Fall panicum	<i>Panicum dichotomiflorum</i>	3
Barnyard grass	<i>Echinochloa muricata</i>	2
Switch grass	<i>Panicum virgatum</i>	4
Coastal Panic grass	<i>Panicum amarum</i>	50
Lady's Thumb	<i>Polygonum persicaria</i>	2

## 5.0 MONITORING METHODOLOGY

The 2014 monitoring inspection was based on the vegetative cover observed in twelve (12) 1x1 meter permanent quadrats established throughout the mitigation site. The permanent quadrats were established to assess the development of vegetative cover during the five-year monitoring program. The quadrats were established in representative locations within the wetland. The location of each sample point is provided in Appendix C.

The vegetative cover within each quadrant was visually estimated in accordance with the *Ocular Estimation of Cover Technique* (USFWS, 1981). The total area of cover was considered to be the area that remained after excluding the areas determined to be un-vegetated. Percent vegetative cover determined by this method is derived by subtracting the un-vegetated area from the total area of each quadrat. The formula below was utilized to determine the percent vegetative cover by this method.

$$\% \text{ Vegetative Cover} = \{(\text{total area} - \text{un-vegetated area})/\text{total area}\} \times 100$$



All references to vegetative cover in this document are based on this formula. Subsequently, the vegetative cover provided by each species was visually estimated. Species that were present, but provided less than 1% cover, were indicated to be "P" (present). The sampling data for each quadrat is provided in Appendix C. The percent vegetative cover estimated in accordance with the method previously described are also shown in Appendix C. The estimates of total vegetative

cover provided by this method are essentially relative values comparing the area within each quadrat that is covered by vegetation relative to un-vegetated areas within the quadrat. However, since plant cover can overlap, the total vegetative cover present in any given quadrat often exceeds the percent vegetative cover derived by the above referenced formula. The formula used above provides a simple mechanism to portray the area within each quadrat that is covered by vegetation relative to meeting established regulatory objectives. The use of total vegetative cover, however, more effectively conveys the ecological development of the mitigation area since it takes into account the cover provided by each species. Total vegetative cover thus provides a mechanism to see the changes in cover that occur as the wetland matures and becomes more structurally complex.

To determine the number of woody plants present in the mitigation site, a count of all stems greater than one foot high was done during the monitoring inspection.

## 6.0 CORRECTIVE MEASURES IMPLEMENTED IN 2014

Adaptive management is required of most mitigation sites especially those in urban areas where issues such as those related to invasive species are commonplace. Corrective measures such as that related to the control of invasive species is essential to guiding a mitigation site toward a desired endpoint. This Site was no exception and a variety of corrective measures were proposed in the 2013 monitoring report and were implemented during the 2014 growing season. The measures include the following;

- 1) Replanting of 120 12-18 inch tall groundsel bush in those portions of the mitigation site that had the highest coverage of invasive species in 2013 (Please note that these areas were treated in the Fall of 2013).
- 2) The treated areas were reseeded and replanted with 2,900 herbaceous species in all areas affected by the implementation of the 2013 invasive species management measures. The species planted included, Spike Grass (*Distichlis spicata*), Swamp Rose-Mallow Hibiscus moscheutos black grass (*Juncus gerardii*), switchgrass (*Panicum virgatum*) salt marsh bulrush (*Scirpus robustus*), seaside goldenrod (*Solidago sempervirens*), big cordgrass (*Spartina cynosuroides*), saltmarsh cordgrass (*Spartina patens*) and prairie cordgrass (*Spartina pectinata*). The seed used was the same mix used during the initial planting (see table 2) except for one replacement; tearthumb (*Polygonum sagittatum*) was used instead of lady's thumb (*Polygonum persicaria*).
- 3) Immediately after the planting was completed the goose exclusion fence was fixed in all areas subject to storm damage.
- 4) The 2014 herbicide treatment to control remaining invasive species including purple loosestrife and common reed took place on October 8, 2014.

## 7.0 MONITORING INSPECTION

This 2014 wetland monitoring inspection was conducted on September 24, 2014 by Princeton Hydro. As discussed in the previous section the data presented are based on the vegetative cover observed in twelve (12) 1x1 meter permanent quadrats established throughout the mitigation site. The inspection began in the western portion of the mitigation area and culminated at the eastern end of the mitigation site proximate to the Hackensack River (see Appendix C). The number of woody plants present in the mitigation area was calculated based on a count of all live plants. The 2014 monitoring data are summarized in Tables 3 and 4 with the raw data for plant cover provided in Appendix C. A list of plant species identified in the mitigation site is provided in Appendix D and photographs of the site in Appendix E.

The results of the 2014 monitoring inspection indicated that the freshwater wetland community after its third complete growing season was, for the most part, well established and many parts of the site are on a desirable developmental trajectory with regard to site stability, hydrology and cover. However, as a result of the herbicide treatment of 2013 portions of the site identified in last year's monitoring report as possessing significant quantities of common reed (*Phragmites australis*) or purple loosestrife (*Lythrum salicaria*) were comparatively sparse in 2014. The treatment of the site to control invasive species in 2013 resulted in the decrease in cover from 96.25% to 83.75% (Table 3). The treatments also resulted in a decrease in the number of woody plant stems in the mitigation area. As discussed in the 2013 report, several areas within the mitigation site possessed

**Table 3:** Percent vegetative cover by planting zone and total cover of the mitigation area.

Planting Area	Percent Vegetative Cover				
	2012	2013	2014	2015	2016
Freshwater Wetland	90%	96.25%	83.75%		
Invasive Species	37%	28.6%	15-20%		
<b>Total Coverage</b>	<b>90%</b>	<b>96.25%</b>	<b>83.75%</b>		

nearly 100% cover of common reed that required these areas to be treated with an herbicide. The treatment of invasive species resulted in barren to sparsely vegetated areas and thus necessitate the need replant these areas with desirable species in the spring of 2014. It is directly related to loss of both desirable and invasive plant material as a result of the herbicide treatment as well as the age of the plants installed this year that the mitigation site had a lower level of cover 2014 than in 2013. The replanted areas possessed good levels, especially when considering that the plants were only planted or seeded in late May through June of the 2014 growing season. The continued growth of the planted material as well the maturation of plants established by seed is anticipated to continue during next year's growing season.

Although last year's herbicide application substantially reduced the level of cover provided by invasive species portions of the mitigation site still possessed invasive species in 2014. The level of cover contributed by invasive species based on the sampling quadrats was estimated to be approximately 10%; significantly lower than last year. However, based on visual inspection of the entire area the level of invasive species cover is more likely closer to 15%. Due to the level of cover provided by common reed and purple loosestrife and the aggressive nature of these plants the implementation of the invasive species management plan described in Section 7.1 was necessary in order to keep the mitigation site on a positive developmental trajectory. Further treatments should be anticipated in 2015 due to the difficulty in eradicating these species

The number of woody plants present observed in the mitigation area relative to the 240 plants installed in 2011 was determined to be approximately 79.6% (Table 4). This number is currently less than the desired threshold of 85% of desirable hydrophytes set forth as a performance standard in the NJDEP permit. Since groundsel bush (*Baccharis halimifolia*) spreads quickly and clonally, a continued increase in stems is anticipated during the course of the monitoring program. The more well established shrubs have spread aggressively and it is anticipated that the younger plants will do the same once they

<b>Table 4: Woody plants present in the mitigation area.</b>						
Scientific name	Quantity Installed	Quantity Observed				
		2012	2013	2014	2015	2016
<i>Baccharis halimifolia</i>	240	206	194	134		
<i>Populus deltoides</i>	0	0	20	51		
<i>Salix discolor</i>	0	0	0	1		
<i>Salix nigra</i>	0	0	0	1		
<b>Total</b>	<b>240</b>	<b>206</b>	<b>214</b>	<b>191</b>		

are well established. In addition, the volunteer establishment of Eastern cottonwood (*Populus deltoides*) will continue to add to the number of desirable woody plants present in the wetland. The presence of black willow (*Salix nigra*) and pussy willow (*Salix discolor*) in the wetland were pleasant surprises. Lastly, due to dense herbaceous cover it is likely that some of the plants installed earlier in the growing season were missed.

### 7.1 Management of Undesirable Plant Species

The 2014 monitoring report indicated that the site possessed a level of invasive species cover that primarily included common reed and purple loosestrife of 10-15%. To control the continued spread of these species the site was treated with *Aquapro* (glyphosate) on October 8, 2014. This treatment was done in a similar manner to that done in 2013 in that dense patches were sprayed and in those areas with a number of desirable species the invasive plants were treated individually by hand. The effective date for the aquatic pesticide permit for the site is 08/11/2014 and will expire 12/31/2015. The site ID number is 654145 and the NJDEP Activity ID is APP140001A spray adjuvant and spray indicator dye were utilized in conjunction with the herbicide to maximize the effectiveness of the treatment program. The adjuvant will enhance the performance of the selected herbicide, whereas the blue dye enabled the applicators to ensure good coverage and an even application of the product. The treatment was conducted by an NJDEP licensed aquatic pesticide applicators/operators in accordance with an aquatic pesticide treatment permit from the NJDEP.

In accordance with the standard conditions set forth by the NJDEP for wetland mitigation sites “the final monitoring report must include documentation demonstrating the site is less than 10% occupied by invasive or noxious species”.

### 7.2 Hydrology

The wetland mitigation site is located in a topographically low landscape position previously occupied by the site’s drainage network. As of 2014, the wetland still receives water via direct precipitation as well as stormwater runoff from adjacent parts of the site. Since the wetland mitigation site was designed to coincide with the historic drainage network that previously existed on the site its hydrology is reliant on precipitation and

stormwater runoff. Wetlands developing in this type of hydrologic environment tend to be dominated by generalist species since the site's hydrology can be extremely variable from month to month and from year to year. Immediately after precipitation events portions of the mitigation areas were observed to be inundated by a few inches of water. The hydrology of these types of wetland systems is typically benefited through the deposition and accretion of organic matter on the soils surface as the site develops. Evidence of positive indicators of wetland hydrology will continue to be evaluated throughout the course of the monitoring period. The dominance of hydrophytes throughout the mitigation area is also indicative of wetland hydrology.

## 8.0 DISCUSSION AND CORRECTIVE MEASURE RECOMMENDATIONS

Overall the wetland mitigation site appears to be capable of satisfying its design goals and the success criteria set forth by the NJDEP for a compensatory wetland mitigation site within the monitoring period. However, as with many mitigation sites, especially those located in highly disturbed landscape settings, the implementation of an adaptive management plan with specific corrective measures is necessary to guide the early stages of the site's development toward its desired goal. The corrective measures proposed for 2015 are summarized on Table 5.

The 2013 monitoring data estimated that 28.6% of the mitigation site's vegetation cover consisted of invasive species. This is in excess of the 10% threshold set forth by the NJDEP the implementation of an invasive species management plan was necessary. The continued management of both common reed and purple loosestrife continued into 2014 and is recommended to continue into 2015 due to the proximity of the site to seed sources of common reed and the difficulty in eradicating this species. The need for further treatment will be assessed in the Spring of 2015. All herbicide treatments will be conducted by NJDEP licensed aquatic pesticide applicators/operators in accordance with an approved aquatic pesticide treatment permit.

**Table 5 Proposed Corrective Measures for 2015**

Task 1	Seeding and replanting herbaceous species in all areas affected by the implementation of the 2013 invasive species management measures. To be implemented in between early May and June of 2014.
Task 2	Continued herbicide treatment to control remaining invasive species in 2015

As described previously, those parts of the mitigation site with the highest levels of invasive species were treated in a manner that the installation of additional plant material may be warranted to establish the desired objective of the mitigation plan as well as the conditions of the permit. As indicated previously 120 additional groundsel bush plants and 2,900 herbaceous plants were installed in areas impacted by invasive species management measures conducted in 2103. These areas were also seeded. Much of the goose exclusion

fencing in the eastern part of the mitigation site was destroyed by Superstorm Sandy and the fencing was repaired or replaced.

The control of invasive species was a key focus of the corrective measures implemented in 2013 and although much of the site was covered by desirable species, approximately 10-15% was still covered by invasive species in 2014. As such, another round of treatment was applied in October of 2014. Owing to the difficulty in eradicating well established populations of invasive species additional treatments may be necessary in 2015 to allow the desirable plants to become well established and continue to develop the levels of cover desired. However, it is important to note that large segments of the Site are well established with desirable species and should continue to thrive. Those areas dominated by common reed in 2013 and replanted in 2014 are doing well and possess good cover of desirable species. There is no reason to believe that the Site will not continue to develop in a desirable trajectory and satisfy the desired performance standards.

## 9.0 REFERENCES

EPA, June 11, 2010, Letter, ARARs identified and addressed prior to start of IRA, Standard Chlorine Superfund Site. Key Environmental, Inc., October 2008, Final Interim Response Action Workplan (IRAW), Standard Chlorine Chemical Company Site and Diamond Site, Kearny, New Jersey.

Evergreen Environmental, LLC, June 25, 2012 Bill of Sale and Conveyance between Evergreen and PRG for 0.225 Wetland Mitigation Credits

Key Environmental, Inc., April 2010, Shoreline Restoration and Tidal Emergent Wetland Mitigation Plan, Interim Response Action, SCCC Site and Diamond Site, Kearny, New Jersey.

Key Environmental, Inc. August 8, 2012, Construction Completion Report – Mitigation. 1015, 1025-1035 Belleville Turnpike, Kearny, Hudson County, New Jersey, SCCC Site - Block 287, Lots 48, 49, 50, 51, 52, 52R and portion of Lot 32.01, Diamond Site - Block 287, Lots 32.02, 46, 47, and 47R.

NJDEP DLUR, March 26, 2010, Waterfront Development Permit/Flood Hazard Permit, Water Quality Certificate, SCCC and Diamond Sites, Interim Response Action, City of Kearny, Hudson County.

NJDEP, June 30, 2010, Letter RE: Wetland Mitigation Plan Approval, SCCC and Diamond Sites Interim Response Action, City of Kearny, Hudson County.

NJDEP, June 30, 2010, Letter RE: Wetland Mitigation Plan Approval, SCCC and Diamond Sites Interim Response Action, City of Kearny, Hudson County.

Newcomb, Lawrence, 1977. *Wildflower Guide*.

Princeton Hydro, LLC. May 2009. Wetland Delineation Report for Standard Chlorine and Diamond, Block 287, lots 46, 47, 48, 49, 50, 51, 52 and 52r, Town of Kearny, Hudson County, New Jersey.

Princeton Hydro, LLC., April 8, 2011, Letter RE: Request to Modify Wetland Mitigation Approach, SCCC and Diamond Sites, Kearny, New Jersey.

Appendix A  
Copies of Permits and Approvals



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Land Use Regulation  
Mail Code 501-02A, P.O. Box 420,  
Trenton, NJ 08625-0420  
Fax # (609) 777-3656  
[www.state.nj.us/dep/landuse](http://www.state.nj.us/dep/landuse)

CHRIS CHRISTIE  
Governor

BOB MARTIN  
Commissioner

KIM GUADAGNO  
Lt Governor

Mr. Peter W. Sawchuck, P.E.  
Project Manager  
Key Environmental Incorporated  
575 State Route 28  
Suite 208  
Raritan, New Jersey 08869

March 7, 2013

RE: Credit Purchase at MRI 3 Approval and Permit Modification  
NJDEP Application No(s): 0907-09-0007.1 WFD 090001 (In-Water Waterfront  
Development Permit)  
Project: "Standard Chlorine Chemical Inc. (SCCC) and Tierra Solutions, Inc. (Diamond  
Site) Interim Response Action"  
Location: Block: 287, Lots 47, 47R, 49, 52, 52R  
City of Kearny, Hudson County

Dear Mr. Sawchuck:

This letter is in response to your letter dated May 21, 2012 requesting a permit modification to authorize the purchase of 0.225 credits from the MRI 3 Mitigation Bank. The Division had conceptually authorized the credit purchase since a portion of the on-site mitigation could not be constructed properly due to onsite conditions and the fact that there was nowhere else on the site that the mitigation could be provided. The Division received confirmation of the sale of 0.225 credits for the above-referenced permit from the MRI 3 banker on June 26, 2012. This letter hereby modifies the above-referenced permit to authorize the purchase of 0.225 credits from MRI 3 to satisfy a portion of the required mitigation.

We look forward to receiving your completion of construction report and we will contact you to schedule an inspection at that time. Please contact Jo Dale Legg of my staff at (609) 777-0454 or by email at [JoDale.Legg@dep.state.nj.us](mailto:JoDale.Legg@dep.state.nj.us), should you have any questions concerning this letter.

Sincerely,

Susan Lockwood, Supervisor  
Bureau of Technical Services  
Division of Land Use Regulation

C: Suzanne Dietrick, ODST



**State of New Jersey**

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF DREDGING AND SEDIMENT TECHNOLOGY

P.O. BOX 028  
TRENTON, NEW JERSEY 08625-0028  
(609) 292-1250  
FAX: (609) 777-1914

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

BOB MARTIN  
*Acting Commissioner*

Mr. Peter W. Sawchuck, P.E.  
Project Manager  
Key Environmental Incorporated  
456 Route 22 West  
Suite D  
Whitehouse Station, New Jersey 08889

March 26, 2010

RE: Waterfront Development Permit/Flood Hazard Permit, Water Quality Certificate  
Applicant: Standard Chlorine Chemical Inc. and Tierra Solutions, Inc.  
Application No(s): 0907-09-0007.1 FHA 090001 (Flood Hazard Permit)  
0907-09-0007.1 WFD090001 (In-Water Waterfront Development Permit)  
0907-09-0007.1 CDT0800001 (Water Quality Certificate)  
Project: Standard Chlorine Chemical Inc. (SCCC) and Tierra Solutions, Inc. (Diamond Site)  
Interim Response Action  
City of Kearny, Hudson County  
Block: 287, Lots 48,49,50,51,52,52R and portion of lot 32.01 (SCCC site)  
Block: 287, Lots 32.02, 46, 47 and 47R (Diamond Site)

Dear Mr. Sawchuck:

Enclosed, please find an approved construction permit. Please read the permit and its terms and Conditions carefully. If you consider yourself aggrieved by our decision regarding your application, you may request a hearing by completing the requirements of the attached *administrative hearing request checklist and tracking form*. Unless you request a hearing to contest this permit or its conditions, you have accepted its terms and conditions.

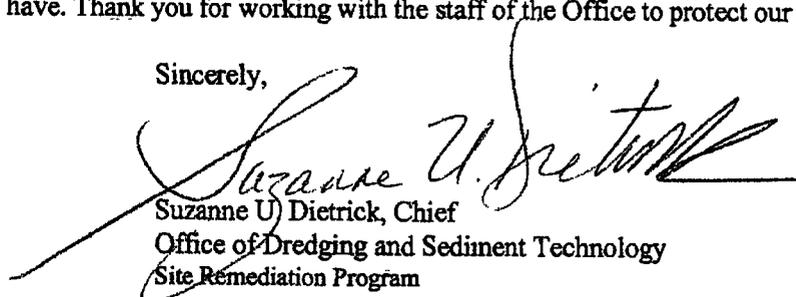
You are required to keep a copy of your permit and the approved drawings at the construction site for the duration of the project. Failure to do so is a violation of the permit.

If you are required to record a Grant of Conservation Restriction/Easement, you must present the Department with proof that you have recorded it within ninety (90) days of issuance of this permit. You may NOT COMMENCE CONSTRUCTION until you have properly recorded the Division of Land Use Regulation approved Grant of Conservation Restriction/Easement documents and fulfilled the pre-construction conditions of this permit.

If a tidelands grant, lease or license is required as a condition of this permit, you may not begin construction until the Bureau of Tidelands Management has delivered the necessary conveyances. Construction prior to the receipt of the necessary conveyances is in violation of State law and will subject you to fines up to \$1,000.00 plus \$100.00 per day. Furthermore, the cost for the tidelands instrument may be higher since the property claimed will be appraised as improved property. You may be required to remove any unauthorized structures placed in tidelands claimed areas.

Please do not hesitate to contact the Office's project manager, listed on the first page of the permit, to discuss any concerns or questions you may have. Thank you for working with the staff of the Office to protect our state's natural resources.

Sincerely,

A handwritten signature in black ink, appearing to read "Suzanne U. Dietrick". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Suzanne U Dietrick, Chief  
Office of Dredging and Sediment Technology  
Site Remediation Program

C: James Cannon, NY District, ACOE, Regulatory Branch  
Chris Kanakis, SRP, OBR

Mr. Edward Als  
Remedial Project Manager  
US EPA Region 2  
New York Remediation Branch  
290 Broadway, 20<sup>th</sup> Floor  
New York, NY 10007-1866

**ADJUDICATORY HEARING REQUEST CHECKLIST AND TRACKING FORM**

**I. Permit Being Appealed:**

Facility Name \_\_\_\_\_

Issuance Date of Final Permit Decision \_\_\_\_\_

Permit Number \_\_\_\_\_

**II. Person Requesting Hearing:**

Name/Organization \_\_\_\_\_

Name of Attorney (if applicable) \_\_\_\_\_

Address \_\_\_\_\_

Address of Attorney \_\_\_\_\_

Telephone Number \_\_\_\_\_

Telephone Number of Attorney \_\_\_\_\_

**III. Please include the following information as part of your request:**

- A. The date the permittee received the permit;
- B. A copy of the Denial of Permit and a list of all issues being appealed;
- C. The legal and factual questions at issue;
- D. A statement as to whether you raised each legal and factual issue during the public comment period;
- E. An estimate of the amount of time required for the hearing;
- G. A request, if necessary, for a barrier-free hearing location for disabled persons;
- H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of your hearing request to the Office of Administrative Law; and
- I. This form, completed, signed and dated with all of the information listed above, including attachments, to:

- 1. Office of Legal Affairs  
ATTENTION: Adjudicatory Hearing Requests  
Department of Environmental Protection  
401 East State Street  
PO Box 402, Trenton, New Jersey 08625-0402
- 2. Suzanne Dietrick, Chief  
Office of Dredging and Sediment Technology  
401 East State Street  
PO Box 028, Trenton, New Jersey 08625-0029
- 3. Any other person named on the permit (if you are a permittee under that permit).
- 4. The permittee(s) (if you are a person seeking consideration as a party to the action).

**IV. Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

# PROJECT COMPLETION REPORT

This Project Completion Report must be mailed or faxed to the proper address below. Please circle the appropriate permit type(s).

Please mail notice of completion of projects authorized under a **Freshwater Wetlands Individual, General Permit or Transition Area Waiver, Major or Minor Stream Encroachment Permit, or Highlands Approval** to:

State of New Jersey  
Department of Environmental Protection  
Coastal & Land Use Compliance & Enforcement  
P.O. Box 422  
Trenton, NJ 08625-0422  
Attention: Manager, Coastal & Land Use Compliance & Enforcement  
Fax to: (609) 633-6798

Please mail notice of completion of projects authorized under an **Individual CAFRA or Waterfront Development Permit or Coastal General Permit** to:

State of New Jersey  
Department of Environmental Protection  
Coastal & Land Use Compliance & Enforcement  
1510 Hooper Avenue  
Toms River, NJ 08753  
Attention: Manager, Coastal & Land Use Compliance & Enforcement  
Fax to: (732) 255-0877

## Permit Information

Project Manager: \_\_\_\_\_  
Permit Number(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Date of Completion: \_\_\_\_\_

The undersigned hereby certifies that all activities approved by the Department within the above referenced permit/s have been constructed and completed in accordance with the plans approved therein, that said project is in compliance with all terms and conditions of the permit, and that any unauthorized encroachments have been removed.

Engineer's Signature and Seal: \_\_\_\_\_  
New Jersey License Number: \_\_\_\_\_  
Date: \_\_\_\_\_

## CONSTRUCTION REPORT

This Project Commencement Report must be mailed or faxed to the proper address below. Please circle the appropriate permit type(s).

Please mail notice of commencement of projects authorized under a **Freshwater Wetlands Individual, General Permit or Transition Area Waiver, Major or Minor Stream Encroachment Permit, or Highlands Approval** to:

State of New Jersey  
Department of Environmental Protection  
Coastal & Land Use Compliance & Enforcement  
P.O. Box 422  
Trenton, NJ 08625-0422  
Attention: Manager, Coastal & Land Use Compliance & Enforcement  
Fax to: (609) 633-6798

Please mail notice of commencement of projects authorized under an **Individual CAFRA or Waterfront Development Permit or Coastal General Permit** to:

State of New Jersey  
Department of Environmental Protection  
Coastal & Land Use Compliance & Enforcement  
1510 Hooper Avenue  
Toms River, NJ 08753  
Attention: Manager, Coastal & Land Use Compliance & Enforcement  
Fax to: (732) 255-0877

### Permit Information

Project Manager: \_\_\_\_\_

Permit Number(s): \_\_\_\_\_

Date of Commencement: \_\_\_\_\_

I hereby give notice that construction will begin on the above noted project on the date stated above (must give at least 7 days notice). Also, as required by the permit, a copy of the above referenced permit(s) along with all approved drawings shall be available for inspection at the project site throughout construction.

Engineer's Signature and Seal: \_\_\_\_\_

New Jersey License Number: \_\_\_\_\_

Date: \_\_\_\_\_



DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 SITE REMEDIATION PROGRAM  
 OFFICE OF DREDGING AND SEDIMENT TECHNOLOGY  
 401 East State Street, P.O. Box 028  
 Trenton, NJ 08625



PERMIT

In accordance with the laws and regulations of the State of New Jersey, the Department of Environmental Protection hereby grants this permit to perform the activities described below. This permit is revocable with due cause and is subject to the limitations, terms and conditions listed below and on the attached pages. For the purpose of this document, "permit" means "approval, certification, registration, authorization, waiver, etc." Violation of any term, condition or limitation of this permit is a violation of the implementing rules and may subject the permittee to enforcement action.

Approval Date  
 March 26, 2010

Expiration Date  
 March 25, 2015

Permit Number/s 0907-09-0007.1 FHA 080001 WFD080001 CDT080001	Type of Approval/s In-Water Waterfront Development Flood Hazard Area Permit Water Quality Certification Waterfront	Enabling Statute/s NJSA 12:5-3 NJSA 58:10A
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<b>Applicant</b> Standard Chlorine Chemical Company, Inc. 1025-1035 Belleville Turnpike Kearny, NJ 07032  Tierra Solutions, Inc. Two Tower Center Boulevard - 10 Floor East Brunswick, NJ 08816	<b>Project Location</b> Interim Response Action Standard Chlorine Chemical Company, Inc 1025-1035 Belleville Turnpike Kearny, Hudson County  Interim Response Action Diamond Site 1015 Belleville Turnpike Kearny, Hudson County
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**Description of Authorized Activities and Limit of Disturbance**

Construction activities associated with the interim remedial action of the 25-acre Standard Chlorine Chemical Company, Inc (SCCC) site and the 27-acre Diamond Site located on the Hackensack River in Kearny, New Jersey. The remediation of the sites are being implemented pursuant to a Interim Response Action Workplan (IRAW) Addendum approved by the Department on March 27, 2008. The Department's Site Remediation Program is currently reviewing an IRAW addendum submitted on October 2008.

The construction activities authorized under this permit consist of the following:

- Removal of approximately 6,300 cu yd of sediments to a depth of approximately 3 feet or to the meadow/mud/confining unit in the Hackensack River along the eastern shoreline. Sediment removal will occur approximately 50' waterward of the Sheetpile to be installed along the existing shoreline. The material will be removed using a long reach excavator(s) from the shoreline and placed in either on-site consolidation areas or lagoons which are also being remediated as part of the IRAW or disposed off at an off-site location approved by the Department's Site Remediation Program. The area disturbed during removal of the sediments will be restored to pre-existing elevations using clean fill material.
- Construction of a sheet pile system enclosing both the SCCC and Diamond Site. Construction of approximately 1,220 feet of steel sheet pile along the Hackensack River at or above the Mean High Water Line elevation of 3.38 feet.
- Installation of groundwater extraction and/or recovery wells, and associated piping within the 100-year floodplain and areas of the sites under New Jersey Meadowland Commission (NJMC) jurisdiction. A portion of the well system is proposed to be installed on the adjacent Koppers Seaboard Site owned by Hudson County Improvement Authority.

**SEE PROJECT DESCRIPTION ON PAGE 2 OF THE PERMIT**

Prepared by *Suzanne H. [Signature]*

**THIS PERMIT IS NOT EFFECTIVE AND NO CONSTRUCTION APPROVED BY THIS PERMIT, OR OTHER REGULATED ACTIVITY, MAY BE UNDERTAKEN UNTIL THE APPLICANT HAS SATISFIED ALL PRE-CONSTRUCTION CONDITIONS AS SET FORTH IN THIS PERMIT PURSUANT TO N.J.A.C. 7:2E-1.5(b)4.**

Received or Recorded by County Clerk

**This permit is not valid unless authorizing signature appears on the last page.**

### PROJECT DESCRIPTION (Continued)

- Construction of a groundwater treatment system at elevation 11.0 feet. A temporary surcharge pile will be located in the area of the proposed concrete pad for the groundwater treatment system.
- The removal of contaminated sediment from the South Ditch. The sediment will be placed in the SCCC Consolidation Area. The South Ditch will be converted to a stormwater piping system with discharge to the Hackensack River. The existing 24 inch outfall pipe into the Hackensack River will be reconstructed with a new tide check valve.
- The existing lagoons located on the SCCC site will be dewatered and then backfilled with contaminated soil and/or sediment from other remedial activities at the SCCC site. Once placed, the entire SCCC consolidation area will be capped with an interim surface cover.
- Soil and/or sediment from remedial activities at the Diamond site will be placed in the Diamond Consolidation Area and capped with an interim surface cover.
- A total of 0.06 acres (2,614 square feet) of tidal emergent wetlands included in a total of 1.4 acres (61,000 square feet) of intertidal subtidal shallows will be disturbed for the installation of the steel sheet pile wall and sediment excavation in the Hackensack River. Mitigation is required for this impact.
- A total of 1.59 acres of existing freshwater emergent wetlands and existing isolated wetlands will be permanently disturbed during remedial activities. Mitigation is required for this impact.

The site is located entirely within the New Jersey Meadowlands District. This permit is authorized under, and in compliance with the following Rules on Coastal Zone Management, N.J.A.C. 7:7E-1.1 et seq., specifically; Intertidal and Subtidal Shallows (7:7E-3.15), Wetlands (7:7E-3.27) and Hackensack Meadowlands District (7:7E-3.45). This permit also includes a Water Quality Certification issued pursuant to Section 401 of the Federal Clean Water Act (33USC 1251 et seq).

By issuance of this permit, the State of New Jersey does not relinquish tidelands ownership or claim to any portion of the subject property or adjacent properties. This permit is subject to the permittee receiving the tidelands licenses as applied for on December 18, 2009 (DEP File #0907-09-0007.2 TDI090001) and December 22, 2009 (DEP File #0907-09-0007.3 TDI090002) prior to initiation of any construction activities in these designated tideland areas. In addition, this permit is approved subject to, and in accordance with, all applicable Tidelands Grants issued for the Standard Chlorine Company site and the Diamond Site as shown on Tidelands Conveyance Map 693-2154 and Property Survey plan dated 7/24/09, last revised 7/29/09 and prepared by Douglas Dykstra, PLS of Dykstra Associates, PC.

The permittee shall allow an authorized Division representative the right to inspect the construction pursuant to N.J.A.C. 7:7E-1.5(b) 4.

### STANDARD CONDITIONS:

1. **Extent of approval:**
  - a. This document grants permission to perform certain activities that are regulated by the State of New Jersey. The approved work is described by the text of this permit and is further detailed by the approved drawings listed herein. All work must conform to the requirements, conditions and limitations of this permit and all approved drawings.
  - b. If you alter the project without prior approval, or expand work beyond the description of this permit, you may be in violation of State law and may be subject to fines and penalties. Approved work may be altered only with the prior written approval of the Department.
  - c. You must keep a copy of this permit and all approved drawings readily available for inspection at the work site.
2. **Acceptance of permit:** If you begin any activity approved by this permit, you thereby accept this document in its entirety, and the responsibility to comply with the terms and conditions. If you do not accept or agree with this document in its entirety, **do not begin** construction. You are entitled to request

an appeal within a limited time as detailed on the attached *Administrative Hearing Request Checklist and Tracking Form*

3. **Recording with County Clerk:** You must record this permit in the Office of the County Clerk for each county involved in this project. You must also mail or fax a copy of the front page of this permit to the Department showing the received stamp from each County Clerk within 30 days of the issuance date.
4. **Notice of Construction:** You must notify the Department in writing at least 7 days before you begin any work approved by this permit by submitting the attached construction report. The Construction Reports are also available at [www.nj.gov/dep/landuse](http://www.nj.gov/dep/landuse).
5. **Expiration date:** All activities authorized by this permit must be completed by the expiration date shown on the first page unless otherwise extended by the Division. At that time, this permit will automatically become invalid and none of the approved work may begin or continue until a replacement permit is granted. (Some permits may qualify for an extension of the expiration date. Please contact the Department for further information.)
6. **Rights of the State:**
  - a. This permit is revocable and subject to modification by the State with due cause.
  - b. Representatives from the State have the statutory authority to enter and inspect this site to confirm compliance with this permit and may suspend construction or initiate enforcement action if work does not comply with this permit.
  - c. This permit does not grant property rights. The issuance of this permit shall not affect any action by the State on future applications, nor affect the title or ownership of property, nor make the State a party in any suit or question of ownership.
7. **Other responsibilities:** You must obtain all necessary local, Federal and other State approvals before you begin work. All work must be stabilized in accordance with the *Standards for Soil Erosion and Sediment Control in New Jersey*, and all fill material must be free of toxic pollutants in toxic amounts as defined in section 307 of the Federal Act.

**SPECIAL CONDITIONS:**

8. The permittee shall immediately inform the Department of any unanticipated adverse effects on the environment not described in the application or in the conditions of this permit.
9. **Consistency with the Areawide Water Quality Management Plan:** The Department of Environmental Protection, as the Statewide Water Quality Management Planning Agency, has reviewed your project for consistency with the provisions and recommendations of the Hudson County Water Quality Management Plan. We have found your project to be consistent with this plan. Please be advised that if changes are made to the proposed plans which would result in a change in anticipated wastewater flow volumes, such as the addition of sewage generating structures or a proposed increase in size to previously proposed structures; or if there is a change in the proposed method of wastewater treatment, this determination is no longer valid. The amended plans must be submitted to the Department to determine Consistency with the Water Quality Management Plans.
11. All necessary local, Federal, and other State approvals must be obtained by the applicant prior to the commencement of the herein-permitted activities.
12. The drawings hereby approved are:

T-01, E-01, IRA-01, ESA-01 to 02, SSP-01 to SSP-04, CBS-01 to CBC-04, SD-01 to SD-02, SC-CA-01 to SC-CA-03, DS-CA-01 to DS-CA-03, SM-01 to SM-03, DW-01, SWM-01 to SWM-04, SPA-01 to SPA-03 and MTG-01 to MTG-04 consisting of thirty-six sheets entitled "Land Use Regulation Permit Application Drawings, SCCC and Diamond Sites, Kearny, Hudson County, New Jersey, dated 9/1/09 last

revised 11/23/09 (Sheet E-01 only), and prepared by Alan E. Briggs, P.E. of Key Environmental Incorporated.

13. This authorization of activities includes a transition area waiver for work in the transition area determined by the Department, which is necessary to accomplish the regulated activity. In addition, the permit to conduct a regulated activity in a wetland or open water includes the Department's approval of a Water Quality Certificate for these activities.
14. The permittee shall comply with the conditions specified in the Interim Response Action Workplan (IRAW) Addendum approved by the Department on March 27, 2008, and any amendments thereto as approved by the Department's Site Remediation Program.
15. The permittee shall install a turbidity curtain along the entire length of the sediment removal as depicted on the approved plans. Said turbidity curtains shall be maintained during the entire removal action within the Hackensack River.
16. Any future development on this site located in the Flood Hazard Area or in a riparian zone or any development which will increase the stormwater discharge, shall require a new Flood Hazard Area Permit from the Division of Land Use Regulation.
17. Any future development on the site shall comply with the Public Trust Rights Rule (7:7E-8.11). Said public access shall comply with the standards found at 7:7E-8.11(e) for development along the Hackensack River.

#### MITIGATION CONDITIONS:

Failure to comply with the standards herein constitutes a violation of the Rules on Coastal Zone Management and subjects the permittee to appropriate enforcement action and/or suspension or revocation of the permit. **This permit is not effective for the purpose of conducting regulated activities authorized by this permit until the following special conditions are satisfied:**

1. Mitigation must be done prior to or concurrent with regulated activity. At any given time, the mitigation must track at the same or greater percentage of completion as the project as a whole. For example, when the project is 50 percent completed, the mitigation project cannot be less than 50 percent completed.
2. The mitigation proposal must be submitted to the Division **prior to the initiation of regulated activities authorized by this permit**. Mitigate for the loss of 0.06 acres of estuarine wetlands \_\_\_ and 1.4 acres of intertidal subtidal shallows through either an on-site or off-site creation, restoration or enhancement project as detailed in condition numbers 4 through 20.
3. Mitigation for the loss of 1.59 acres of freshwater emergent wetlands is required by the United States Environmental Protection Agency, Region 2 under CERCLA. The permittee shall provide the Department with the approval letter from the USEPA Region 2 of the mitigation plan.
4. **Within 30 days of the issuance of this permit**, for an on-site or off-site individual mitigation project, the permittee must submit a mitigation proposal to the Division of Land Use Regulation (Division) for review and approval. The mitigation proposal must include the creation, restoration and/or enhancement of an area of tidal wetlands and intertidal subtidal shallows of equal ecological value to those that will be lost by the authorized activity. This proposal must include a proposed construction schedule for the mitigation project. **Prior to commencement of regulated activities authorized by this permit, the Division must approve of the proposed mitigation project in writing.** Failure to comply with Items a. and b. below will subject the permittee to appropriate enforcement action.
  - a. **Within 30 days of the issuance of this permit** submit for review and approval a conceptual plan showing the location and proposed hydrology of the mitigation site.

- b. **Within 30 days of receiving Division approval of the conceptual mitigation proposal**, the permittee must submit a **final design** of the mitigation project and include all the items listed on the checklist entitled Checklist for Completeness: Creation, Restoration or Enhancement for a Freshwater Wetland Mitigation Proposal located on the Internet at <http://www.nj.gov/dep/landuse/forms/index.html>.
5. In the event that there is a conflict between the permit conditions and the approved mitigation plans and proposal, the permit conditions take precedent.
  6. This permit is not effective until the permittee has completed, signed and filed with the County Clerk (the Registrar of Deeds and Mortgages in some counties), the Division approved conservation restriction for the mitigation site. An example copy of the Wetlands Mitigation Area Model Deed/Conservation Restriction is located on the Internet at <http://www.nj.gov/dep/landuse/forms/index.html>. A draft copy of the deed restriction must be submitted to the Department for review and approval prior to filing the conservation restriction in the office of the County Clerk. The restriction shall be included on the deed, and recorded in the office of the County Clerk (the Registrar of Deeds and Mortgages in some counties), in the county wherein the lands of the mitigation project are located, within 10 days of approval of the final wetland mitigation proposal. Within 10 days of filing the conservation restriction, the permittee must send a copy of the conservation restriction to the Division for verification.
  7. At least thirty (30) days in advance of the start of construction of the wetland mitigation project, the permittee shall notify the Division, in writing, for an on-site pre-construction meeting between the permittee, the contractor, the consultant and the Division.
  8. The mitigation designer must be present on-site during critical stages of construction of the mitigation project. This includes but is not limited to herbicide applications, sub-grade inspection, final grade inspection, and planting inspection to ensure the intent of the mitigation design and its predicted wetland hydrology is realized in the landscape.
  9. Mitigation designs are not static documents and changes may be necessary to ensure success of the project. Should the mitigation designer determine that the mitigation plan as designed and approved by the Division will not achieve the proposed wetland condition due to the actual conditions encountered during construction, the mitigation designer must immediately notify the Division. The mitigation designer must propose an alternative plan to achieve the proposed wetland condition that must be approved by the Division in writing. If the Division provides the mitigation designer with comments on the alternative plan, the mitigation designer shall revise the plan to conform to the Division's comments. Solely the Division shall make the determination as to whether or not the alternative plan as submitted conforms to the Divisions comments. Any modifications to the plan that are approved by the Division must be shown on a signed and sealed revised plan. The As-Built plans required as a part of the Construction Completion Report may serve as the signed and sealed revised plans required to be submitted as part of the construction modification process described above if time constraints warrant such action and have been approved by the Division in writing.
  10. The permittee shall assume all liability for accomplishing corrective work should the Division determine that the compensatory mitigation has not been 100% successful. Remedial work may include re-grading and/or replanting the mitigation site. This responsibility is incumbent upon the permittee until such time that the Division makes the finding that the mitigation project is successful.
  11. Within 5 days following final grading of the site, a disc must be run over the site to eliminate compaction. The mitigation designer must be present to oversee this phase of the project and confirm with the Division this activity has occurred prior to planting of the site.
  12. Following the final grading of the mitigation site and prior to planting, the permittee shall notify the Division for a post-grading construction meeting between the permittee, contractor, consultant and the Division. The permittee must give the Division at least thirty (30) days notice prior to the date of this meeting.

13. Within 30 days following the final planting of the mitigation project, the permittee shall submit a Construction Completion Report to the Division detailing as-built conditions (see below) and any changes to the approved mitigation plan that were made during construction. The Construction Completion Report shall contain, at a minimum, the following information:
- a. A completed Wetland Mitigation Project Completion of Construction Form. This form is located on the Internet at <http://www.nj.gov/dep/landuse/forms/index.html> and certifies that the mitigation project has been constructed as designed and that the proposed area of wetland creation, restoration or enhancement has been accomplished;
  - b. As-Built plans which depict final grade elevations at one foot contours and include a table of the species and quantities of vegetation that were planted including any grasses that may have been used for soil stabilization purposes;
  - c. Show on the as-built plans that the boundaries of the wetland mitigation area have been visibly marked with 3 inch white PVC pipe extending 4 feet above the ground surface. The stakes must remain on the site for the entire monitoring period;
  - d. Photos of the constructed wetland mitigation project with a photo location map as well as the GPS waypoints in NJ state plane coordinates NAD 1983;
  - e. To document that the required amount of soil has been placed/replaced over the entire area of the mitigation site, provide a minimum of 6 soil profile descriptions to a depth of 20 inches. The location of each soil profile description should be depicted on the as built plan as well as provide the GPS waypoints in NJ state plane coordinates NAD 1983;
  - f. Submit soil test results demonstrating at least 8% organic carbon content (by weight) was incorporated into the A-horizon for sandy soil and for all other soil types 12% organic content or if manmade top soil was used it consisted of equal volumes of organic and mineral materials;
  - g. The permittee shall post the mitigation area with several permanent signs as shown on the approved mitigation plan which identify the site as a wetland mitigation project and that development mowing, cutting, dumping and draining of the property is prohibited; and
  - h. The signs must also state the name of the permittee, Department's permit number along with a contact name and phone number.
14. If the Division determines that the mitigation project is not constructed in conformance with the approved plan, the permittee will be notified in writing and will have 60 days to submit a proposal to indicate how the project will be corrected. No financial surety will be released by the Division until the permittee demonstrates that the mitigation project is constructed in conformance with the approved plan, all soil has been stabilized and there is no active erosion.
15. The permittee shall monitor the mitigation project for 5 full growing seasons if it is a proposed forested or scrub/shrub wetland and 3 full growing seasons for an emergent wetland or State open water beginning the year after the mitigation project has been completed. The permittee shall submit monitoring reports to the Division of Land Use Regulation no later than December 31<sup>st</sup> of each full monitoring year. All monitoring reports must include the standard items identified in the checklists entitled Wetland Mitigation Monitoring Project Checklist and Tidal Wetland Mitigation Monitoring Checklist and the information requested below. The Wetland Mitigation Monitoring Project Checklist and Tidal Wetland Mitigation Monitoring Checklist are located on the Internet at <http://www.nj.gov/dep/landuse/forms/index.html>.
16. All monitoring reports must include all of the following information:
- a. All monitoring reports except the final one must include documentation that it is anticipated, based on field data, that the goals of the wetland mitigation project including the transition area, as stated in the approved wetland mitigation proposal and the permit will be satisfied. If the permittee is finding

problems with the mitigation project and does not anticipate the site will be a full success then recommendations on how to rectify the problems must be included in the report with a time frame in which they will be completed;

- b. All monitoring reports except the final one must include field data to document that the site is progressing towards 85 percent survival and 85 percent area coverage of mitigation plantings or target hydrophytes (Target hydrophytes are non-invasive native species to the area and similar to ones identified on the mitigation planting plan). If the proposed plant community is a scrub/shrub or a forested wetland the permittee must also demonstrate each year with data that the woody species are thriving, increasing in stem density and height each year. If the field data shows that the mitigation project is failing to meet the vegetation survival, coverage and health goals, the monitoring report should contain a discussion of steps that will be taken to rectify the problem, including a schedule of implementation;
- c. All monitoring reports except the final one must include documentation of any invasive or noxious species (see below for list of species) colonizing the site and how they are being eliminated. The permittee is required to eliminate either through hand-pulling, application of a pesticide or other Department approved method any occurrence of an invasive/noxious species on the mitigation site during the monitoring period;
- d. All monitoring reports except the final one must include documentation that demonstrates the proposed hydrologic regime as specified in the mitigation proposal appears to be met. If the permittee is finding problems with the mitigation project and does not anticipate the proposed hydrologic regime will be or has not been met then recommendations on how to rectify the problem must be included in the report along with a time frame within which it will be completed;
- e. The final monitoring report must include documentation to demonstrate that the goals of the wetland mitigation project including the required transition area, as stated in the approved wetland mitigation proposal and the permit, has been satisfied. Documentation for this report will also include a field wetland delineation of the wetland mitigation project based on techniques as specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (1989);
- f. The final monitoring report must include documentation the site has an 85 percent survival and 85 percent area coverage of the mitigation plantings or target hydrophytes. The permittee must also document that all plant species are healthy and thriving and if the proposed plant community contains trees demonstrate that the trees are at least five feet in height;
- g. The final monitoring report must include documentation demonstrating the site is less than 10 percent occupied by invasive or noxious species such as but not limited to (Source: Snyder, David and Sylvan R. Kaufman. 2004. An overview of nonindigenous plant species in New Jersey. New Jersey Department of Environmental Protection, Division of Parks and Forestry, Office of Natural Lands Management, Natural Heritage Program, Trenton, New Jersey. 107 pages.): *Acer platanoides* (Norway Maple), *Ailanthus altissima*, (Tree of Heaven), *Allaria petiole* (Garlic mustard), *Ampelopsis brevipedunculata* (Porecelain berry), *Berberis thunbergii* (Japanese barberry), *Carex kobomugi* (Japanese sedge), *Celastrus orbiculatus* (Asian Bittersweet), *Centaurea biebersteinii* *maculosa* (Spotted knapweed), *Cirsium arvense* (Canadian thistle), *Dipsacus fillosum* (Wild teasel), *Dipsacus laciniatus* (Cut-leaf teasel), *Elaeagnus umbellata* (Autumn olive), *Euonymus alata* (Winged spindletree), *Lespedeza cuneata* (Chinese bush-clover), *Lonicera japonica* (Japanese honeysuckle), *Lonicera morrowii* (Morrow's bush honeysuckle), *Lonicera tartarica* (Tartarian honeysuckle), *Lythrum salicaria* (Purple loosestrife), *Melilotus officinalis* (Yellow sweetclover), *Microstegium vimineum* (Japanese stiltgrass), *Myriophyllum spicatum* (Eurasian water-milfoil), *Polygonum cuspidatum* (Japanese knotweed), *Polygonum perfoliatum* (Mile-a-minute), *Potamogeton crispus* (Curly leaf pondweed), *Ranunculus ficaria* (Lesser celandine), *Rhamnus cathartica* (Common buckthorn), *Robinia pseudoacacia* (Black locust), *Rosa multiflora* (Multiflora rose), *Rubus phoenicolasius* (Wineberry).

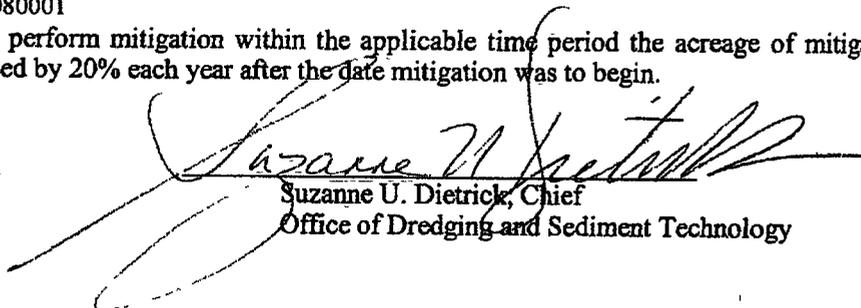


Permit No.: 0907-08-0001.1 FHA 080001

FWW080001, WFD080001, CDT 080001

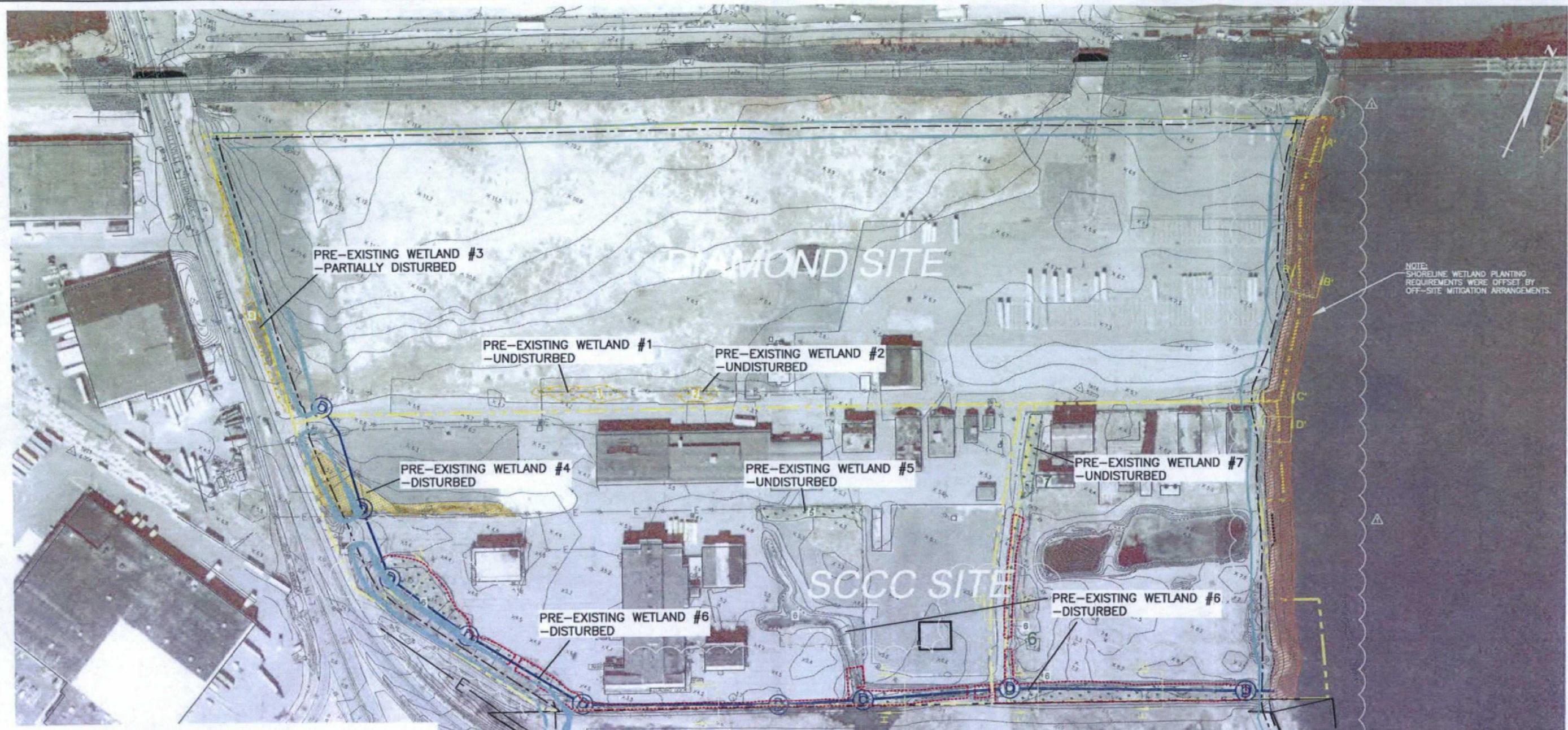
20. If the permittee fails to perform mitigation within the applicable time period the acreage of mitigation required shall be increased by 20% each year after the date mitigation was to begin.

3/26/10  
DATE

  
Suzanne U. Dietrick, Chief  
Office of Dredging and Sediment Technology

Appendix B  
As Built Survey

I:\Data\user\user\as-built\production drawings\view\mtg-01 shoreline restoration\mitigation plan.dwg User: Saverio 6/27/2012 3:15 PM Plotted By: Shelly Comer 8/21/2012 3:45 PM Scale: 1:1

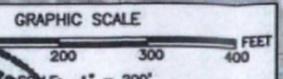


NOTE:  
SHORELINE WETLAND PLANTING  
REQUIREMENTS WERE OFFSET BY  
OFF-SITE MITIGATION ARRANGEMENTS.

**LEGEND**

- PROPERTY BOUNDARY
- AS-BUILT MUDFLAT RESTORATION AREA 1.41 ACRES
- AS-BUILT FRESHWATER EMERGENT WETLAND MITIGATION AREA 1.28 ACRES
- TOTAL RESTORATION AREA 2.69 ACRES
- LIMIT OF PRE-EXISTING FRESHWATER EMERGENT WETLAND
- LIMIT OF PRE-EXISTING ISOLATED WETLAND
- CROSS SECTION (SEE DRAWINGS MTG-03 AND MTG-04)
- WETLAND NUMBER
- SLURRY WALL WORKING PLATFORM
- CATCH BASIN
- PIPE

**NOTES:**  
 1. THE LIMITS OF THE FRESHWATER EMERGENT WETLAND MITIGATION AREA WERE FIELD-ADJUSTED BASED UPON THE EXACT POSITION/ALIGNMENT OF THE REMEDIATED SOUTH DITCH SIDESLOPES. THESE ADJUSTMENTS WERE MADE WITHIN THE SOUTH DITCH AREA TO ENSURE THAT THE SPECIFIED MINIMUM MITIGATION AREA OF 1.28 ACRES IS PROVIDED.  
 2. AS-BUILT DRAWING WAS PREPARED BASED ON THE CORRESPONDING INTERIM RESPONSE ACTION CIVIL ENGINEERING DESIGN DRAWING. THIS AS-BUILT DRAWING REFLECTS MAJOR CHANGES TO OR DEVIATIONS FROM THE DESIGN DRAWING, AS DOCUMENTED BY FIELD INSPECTION BY KEY'S O&A PERSONNEL. AS-BUILT DIMENSIONS OR MEASUREMENTS MAY VARY SLIGHTLY FROM THOSE DEPICTED ON THIS AS-BUILT DRAWING.



ISSUE DATE:  
8/22/12  
 KEY ENVIRONMENTAL, INC.  
 200 THIRD AVENUE  
 CARNEGIE, PA 15108

STATE OF NEW JERSEY  
 CERTIFICATE OF AUTHORIZATION  
 TO OFFER ENGINEERING SERVICES  
 24GA27961400

**PENINSULA RESTORATION GROUP**

DRWN: WAA	DATE: 08/13/09	<b>KEY ENVIRONMENTAL</b> INCORPORATED
CHKD: GWS	DATE: 08/13/09	
APPD: GWS	DATE: 08/13/09	
SCALE: AS SHOWN		

INTERIM RESPONSE ACTION DESIGN  
 SCCC AND DIAMOND SITES  
 KEARNY, NEW JERSEY

SHORELINE RESTORATION/WETLAND MITIGATION PLAN	PROJECT NO: 09-803/804 MTG-01
---	----------------------------------

REV #	DATE	DESCRIPTION	APPD
1	12/28/11	AS-BUILT	CAZ
2	12/22/09	ISSUED FOR BID	AEB
3			APPD

- REFERENCE:**
- EXISTING GROUND SURFACE CONTOURS PER AIR SURVEY, DULLES, VIRGINIA, APRIL 14, 2001. HORIZONTAL REFERENCE: NEW JERSEY STATE PLANE COORDINATES (NAD 1927). VERTICAL REFERENCE: NATIONAL GEODETIC VERTICAL DATUM (NGVD 1929).
  - PROPERTY BOUNDARY SHOWN HEREON FROM SHEET 1 OF 1 TITLED "SURVEY OF PROPERTY, TAX LOTS 32.02, 46, 47 & 47R, BLOCK 287, TAX LOTS 48, 49, 50, 51, 52 AND 52R, BLOCK 287, TOWN OF KEARNY, HUDSON COUNTY, NEW JERSEY," DATED JULY 1, 2008 (REVISION 2: JULY 29, 2009). PREPARED BY DYNASTRA ASSOCIATES, PC.
  - EXISTING WETLANDS PER WETLAND DELINEATION BY PRINCETON HYDRO, LLC FOR KEY ENVIRONMENTAL, INC. PERFORMED IN MARCH 2009.
  - IMAGE PROVIDED BY PRINCETON HYDRO, LLC.

## Appendix C

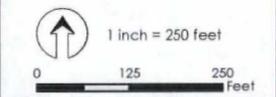
### Vegetation Cover Data



NEW JERSEY COUNTY MAP



**PH** PRINCETON HYDRO, LLC.  
 1108 OLD YORK ROAD  
 P.O. BOX 720  
 RINGOES, NJ 08551  
 \*with offices in NJ, PA and CT



**NOTES:**

1. Vegetation monitoring locations are approximate.
2. 2012 orthimagery obtained from NJ Office of Information Technology (NJ OIT), Office of Geographic Information Systems (OGIS).
3. Wetland limit is approximate. Limit digitized from 'Shoreline Restoration/ Wetland Mitigation Plan' by Key Environmental Inc. August 22, 2012.

Map Projection:  
 NAD 1983 StatePlane New Jersey FIPS 2900 Feet

**VEGETATION MONITORING LOCATIONS**

2013 WETLAND MONITORING  
 STANDARD CHLORINE  
 CHEMICAL CO.  
 & FORMER DIAMOND SITE  
 TOWN OF KEARNY  
 HUDSON COUNTY, NEW JERSEY

**Legend**

- Vegetation Monitoring Location
- Wetland Limit

**2014 WETLAND MONITORING DATA  
FOR  
SCCC SITE, HUDSON COUNTY, NEW JERSEY**

Field Investigator(s): Mark Gallagher	Date: 9/24/2014
Vegetation Unit/Name: Emergent Wetland	Sample Plot No.: W-1

<u>Species</u>	<u>Percent Areal Cover</u>
<b><u>Un-vegetated (barren)</u></b>	<b>0</b>
Vegetative Cover:	
<u>Common Name</u>	
Annual salt marsh aster	2
Spike grass ( <i>Distichlis spicata</i> )	50
Common reed	5
Switch grass	60
Purple loosestrife	5
Seaside goldenrod	2
Yellow foxtail	2
<b><u>Percent Vegetative Cover</u></b>	<b>100</b>
<b><u>Total Vegetative Cover</u></b>	<b>126</b>
Notes: Location shifted due to missing sample point marker	

**2014 WETLAND MONITORING DATA  
FOR  
SCCC SITE, HUDSON COUNTY, NEW JERSEY**

Field Investigator(s): Mark Gallagher

Date: 9/24/2014

Vegetation Unit/Name: Emergent Wetland

Sample Plot No.: W-2

<u>Species</u>	<u>Percent Areal Cover</u>
<b><u>Un-vegetated (barren)</u></b>	<b>0</b>
Vegetative Cover:	
<u>Common Name</u>	
Switch grass	50
Common reed	10
Annual salt marsh aster	3
Spike grass	45
Yellow nut sedge	5
Salt marsh fleabane	5
Rough barnyard grass	2
Purple loosestrife	5
<b><u>Percent Vegetative Cover</u></b>	<b>100</b>
<b><u>Total Vegetative Cover</u></b>	<b>125</b>

Notes

**2014 WETLAND MONITORING DATA  
FOR  
SCCC SITE, HUDSON COUNTY, NEW JERSEY**

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Field Investigator(s): Mark Gallagher  
Vegetation Unit/Name: Emergent Wetland

---

Date: 9/24/2014  
Sample Plot No.: W-3

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<u>Species</u>	<u>Percent Areal Cover</u>
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<b><u>Un-vegetated (barren)</u></b>	<b><u>0</u></b>
-------------------------------------	-----------------

Vegetative Cover:

Common Name

Switch grass	40
--------------	----

Groundsel bush	60
----------------	----

Purple loosestrife	10
--------------------	----

<b><u>Percent Vegetative Cover</u></b>	<b>100</b>
--	------------

<b><u>Total Vegetative Cover</u></b>	<b>110</b>
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**2014 WETLAND MONITORING DATA  
FOR  
SCCC SITE, HUDSON COUNTY, NEW JERSEY**

Field Investigator(s): Mark Gallagher  
Vegetation Unit/Name: Emergent wetland

Date: 9/24/2014  
Sample Plot No.: W-4

<u>Species</u>	<u>Percent Areal Cover</u>
<b><u>Un-vegetated (barren)</u></b>	<b>10</b>
Vegetative Cover:	
<u>Common Name</u>	
Switch grass	50
Common reed	15
Salt meadow cordgrass	40
Groundsel bush	2
Purple loosestrife	15
Prairie cordgrass	5
Seaside goldenrod	2
<b><u>Percent Vegetative Cover</u></b>	<b>90</b>
<b><u>Total Vegetative Cover</u></b>	<b>129</b>

Notes

**2014 WETLAND MONITORING DATA  
FOR  
SCCC SITE, HUDSON COUNTY, NEW JERSEY**

Field Investigator(s): Mark Gallagher	Date: 9/24/2014
Vegetation Unit/Name: Emergent Wetland	Sample Plot No.: W-5

<u>Species</u>	<u>Percent Areal Cover</u>
<b><u>Un-vegetated (barren)</u></b>	<b>20</b>
Vegetative Cover:	
<u>Common Name</u>	
Late flowering thoroughwort	7
Salt marsh fleabane	2
Prairie cordgrass	40
Wild carrot	1
Switch grass	25
Purple loosestrife	7
Annual salt marsh aster	2
<b><u>Percent Vegetative Cover</u></b>	<b>80</b>
<b><u>Total Vegetative Cover</u></b>	<b>84</b>

Notes

**2014 WETLAND MONITORING DATA  
FOR  
SCCC SITE, HUDSON COUNTY, NEW JERSEY**

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Field Investigator(s): Mark Gallagher	Date: 9/24/2014
Vegetation Unit/Name: Emergent Wetland	Sample Plot No.: W-6

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<u>Species</u>	<u>Percent Areal Cover</u>
<b><u>Un-vegetated (barren)</u></b>	<b>5</b>
Vegetative Cover:	
<u>Common Name</u>	
Common reed	2
Black grass	3
Salt marsh fleabane	12
Switchgrass	30
Broad leaved cattail	15
Purple loosestrife	20
Yellow nutsedge	20
<b><u>Percent Vegetative Cover</u></b>	<b>95</b>
<b><u>Total Vegetative Cover</u></b>	<b>102</b>

Notes

**2014 WETLAND MONITORING DATA  
FOR  
SCCC SITE, HUDSON COUNTY, NEW JERSEY**

Field Investigator(s): Mark Gallagher	Date: 9/24/2014
Vegetation Unit/Name Emergent Wetland	Sample Plot No.: W-7

<u>Species</u>	<u>Percent Areal Cover</u>
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<b><u>Un-vegetated (barren)</u></b>	<b>0</b>
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Vegetative Cover:

<u>Common Name</u> Groundsel bush	90
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Late flowering thoroughwort	5
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Seaside goldenrod	2
-------------------	---

Switch grass	12
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Salt hay ( <i>Spartina patens</i> )	10
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<b><u>Percent Vegetative Cover</u></b>	<b>100</b>
--	------------

<b><u>Total Vegetative Cover</u></b>	<b>119</b>
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Notes

**2014 WETLAND MONITORING DATA  
FOR  
SCCC SITE, HUDSON COUNTY, NEW JERSEY**

Field Investigator(s): Mark Gallagher  
Vegetation Unit/Name: Emergent wetland

Date: 9/24/2014  
Sample Plot No.: W-8

<u>Species</u>	<u>Percent Areal Cover</u>
----------------	----------------------------

**Un-vegetated (barren)**

**0**

Vegetative Cover:

<u>Scientific Name</u>	<u>Common Name</u>
------------------------	--------------------

Late flowering thoroughwort

40

Common reed

10

Switch grass

10

Rough goldenrod

20

Groundsel bush

7

Spike grass

40

Prairie cordgrass

12

**Percent Vegetative Cover**

**100**

**Total Vegetative Cover**

**139**

Notes

**2014 WETLAND MONITORING DATA  
FOR  
SCCC SITE, HUDSON COUNTY, NEW JERSEY**

Field Investigator(s): Mark Gallagher	Date: 9/24/2014
Vegetation Unit/Name: Emergent Wetland	Sample Plot No.: W-9

<u>Species</u>	<u>Percent Areal Cover</u>
<b><u>Un-vegetated (barren)</u></b>	<b>0</b>
Vegetative Cover:	
<u>Common Name</u>	
Narrow leaved cattail	70
Black grass	40
<b><u>Percent Vegetative Cover</u></b>	<b>100</b>
<b><u>Total Vegetative Cover</u></b>	<b>110</b>

Notes

**2014 WETLAND MONITORING DATA  
FOR  
SCCC SITE, HUDSON COUNTY, NEW JERSEY**

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Field Investigator(s): Mark Gallagher  
Vegetation Unit/Name: Emergent Wetland

Date: 9/24/2014  
Sample Plot No.: W-10

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<u>Species</u>	<u>Percent Areal Cover</u>
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<b><u>Un-vegetated (barren)</u></b>	<b>10</b>
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Vegetative Cover:

<u>Common Name</u>	
--------------------	--

Common reed	5
-------------	---

Broad leaved cattail	20
----------------------	----

Rough barnyard grass	50
----------------------	----

Yellow nut sedge	7
------------------	---

Salt marsh bulrush ( <i>Schoenoplectus robustus</i> )	15
---	----

<b><u>Percent Vegetative Cover</u></b>	<b>90</b>
--	-----------

<b><u>Total Vegetative Cover</u></b>	<b>97</b>
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Notes

**2014 WETLAND MONITORING DATA  
FOR  
SCCC SITE, HUDSON COUNTY, NEW JERSEY**

Field Investigator(s): Mark Gallagher

Date: 9/24/2014

Vegetation Unit/Name: Emergent Wetland

Sample Plot No.: W-11

<u>Species</u>	<u>Percent Areal Cover</u>
<b><u>Un-vegetated (barren)</u></b>	<b>30</b>
Vegetative Cover:	
<u>Common Name</u>	
Salt hay	7
Salt marsh bulrush	40
Salt marsh fleabane	5
Broad leaved cattail	2
Yellow nut sedge	15
Switch grass	5
<b><u>Percent Vegetative Cover</u></b>	<b>70</b>
<b><u>Total Vegetative Cover</u></b>	<b>74</b>

**2014 WETLAND MONITORING DATA  
FOR  
SCCC SITE, HUDSON COUNTY, NEW JERSEY**

Field Investigator(s): Mark Gallagher  
Vegetation Unit/Name: Emergent Wetland

Date: 9/24/2014  
Sample Plot No.: W-12

<u>Species</u>	<u>Percent Areal Cover</u>
<b><u>Un-vegetated (barren)</u></b>	<b>10</b>
Vegetative Cover:	
<u>Common Name</u>	
Spike grass	5
Black grass	5
Salt marsh bulrush	60
Annual salt marsh aster	20
Fall panicum	2
Salt marsh fleabane	1
<b>Percent Vegetative Cover</b>	<b>90</b>
<b>Total Vegetative Cover</b>	<b>93</b>

## Appendix D

### Plant List

## 2014 PLANT SPECIES LIST

The following is a list of plant species identified in the wetland and enhanced transition area during site inspections at the Standard Chlorine Chemical Company, Inc. (SCCC) & Former Diamond Sites, Kearny Township, Hudson County, New Jersey in 2013. Nomenclature follows USFWS (1988 & 1996). NA- Not applicable, NI - No indicator, NL - Not listed.

Scientific Name	Common Name	Classification
Apiaceae (Carrot Family)		
<i>Daucus carota</i>	Queen Anne's lace	NL
Asteraceae (Aster Family)		
<i>Baccharis halimifolia</i>	groundsel bush	FACW
<i>Bidens</i> sp.	tickseed sunflower	NI
<i>Eupatorium serotinum</i>	late flowering thoroughwort	FAC
<i>Euthamia graminifolia</i>	flat-top goldenrod	FAC
<i>Pluchea purpurascens</i>	Salt marsh fleabane	OBL
<i>Solidago sempervirens</i>	seaside goldenrod	FACW
<i>Solidago rugosa</i>	Rough goldenrod	FACU
<i>Symphyotrichum subulatum</i>	Eastern annual saltmarsh aster	OBL
Cyperaceae (Sedge Family)		
<i>Cyperus esculentus</i>	Yellow nut sedge	OBL
<i>Schoenoplectus robustus</i>	Salt marsh bulrush	OBL
Chenopodiaceae (Goosefoot Family)		
<i>Atriplex patula</i>	halberd-leaved orache	FACW
Juncaceae (Rush family)		
<i>Juncus gerardii</i>	black grass	FACW+
Lythraceae (Loosestrife Family)		
<i>Lythrum salicaria</i>	purple loosestrife	FACW
Malvaceae (Mallow Family)		
<i>Hibiscus moschuetus</i>	Marsh mallow	OBL
Poaceae (Grass Family)		
<i>Distichlis spicata</i>	salt grass	OBL
<i>Echinochloa muricata</i>	rough barnyard grass	FACW
<i>Panicum virgatum</i>	switch grass	FAC
<i>Panicum dichotomiflorum</i>	fall panicum	FACW
<i>Phragmites australis</i>	common reed	FACW
<i>Spartina patens</i>	salt hay	OBL
<i>Spartina pectinata</i>	prairie cordgrass	OBL

Polygonaceae (Buckwheat Family)

*Polygonum pennsylvanica*

Pennsylvania smartweed

FACW

*Polygonum lapthifolium*

Nodding smartweed

FACW

Salicaceae (Willow Family)

*Populus deltoides*

cottonwood

FAC

*Salix discolor*

Pussy willow

FACW

Typhaceae (Cattail Family)

*Typha latifolia*

Broad lvd. Cattail

OBL

*Typha angustifolia*

Narrow lvd. Cattail

OBL

Appendix E  
Photographs



Photo 1: Wetland in vicinity of Sample Plot 1.



Photo 2 View of wetland mitigation site, please note dieback of common reed..

Photographs – 2014 Wetland Monitoring Report  
SCCC Site  
Town of Kearny  
Hudson County, New Jersey  
Project No. 502.016

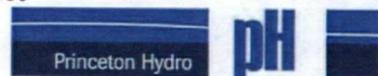




Photo 3: Looking to west toward sample plots 5 and 6. Note abundance of desirable plants.



Photo 4: Looking to the north toward sample plot; a plot dominated by narrow leaved cattail.

Photographs – 2014 Wetland Monitoring Report  
SCCC Site  
Town of Kearny  
Hudson County, New Jersey  
Project No. 502.016



Photo 5: Vegetation in area of sample plot 6.



Photo 6: Looking to west toward sample lot 11 and 12. Note reduction in presence of common reed.

Photographs – 2014 Wetland Monitoring Report  
SCCC Site  
Town of Kearny  
Hudson County, New Jersey  
Project No. 502.016

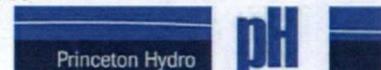




Photo 7: View of wetland looking toward sample plot 4.



Photo 8: Looking west toward sample plot 3, note dieback of common reed..

Photographs – 2014 Wetland Monitoring Report  
SCCC Site  
Town of Kearny  
Hudson County, New Jersey  
Project No. 502.016

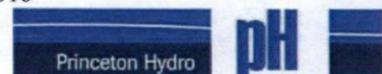




Photo 9: Vegetation in vicinity of sample plot 10. Note patch of common reed before 2014 treatment.



Photo 10: Vegetation in vicinity of sample plot 11. Note dieback of common reed after treatment.

Photographs – 2014 Wetland Monitoring Report  
SCCC Site  
Town of Kearny  
Hudson County, New Jersey  
Project No. 502.016





Photo 11: Wetland with dead stalks of common reed in vicinity of sample plot 6.



Photo 12. View of vegetation in vicinity of sample point 5, note reduction in common reed along edge.

Photographs – 2014 Wetland Monitoring Report  
SCCC Site  
Town of Kearny  
Hudson County, New Jersey  
Project No. 502.016

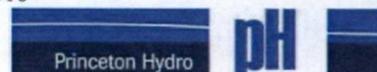




Photo 13: View of dead common reed in vicinity of sample plot 12, June 2014.



Photo 14: Dieback of common reed in westernmost part of mitigation site in June 2014.

Photographs – 2014 Wetland Monitoring Report  
SCCC Site  
Town of Kearny  
Hudson County, New Jersey  
Project No. 502.016

